

UNITED STATES DISTRICT COURT
Eastern District of New York

UNITED STATES OF AMERICA
- v -
Patrice Runner

Presiding Judge: Joanna Seybert, Senior U.S.D.J.
Case No(s).: 18-cr-0578-JS-AYS
Date: 6/5/2023
Start Time: 9:35 AM Total Time: 7 hrs.

MINUTE ENTRY FOR A CRIMINAL TRIAL

Trial Regarding a Violation of Probation/Supervised Release: Yes No

I. APPEARANCES:

Defendant (# 1): Patrice Runner
 Present Not Present In Custody On Bond Under Supervision

Counsel: James Darrow and Charles Millioen
 Retained Federal Defender CJA

Defendant (#): _____
 Present Not Present In Custody On Bond Under Supervision

Counsel: _____
 Retained Federal Defender CJA

Defendant (#): _____
 Present Not Present In Custody On Bond Under Supervision

Counsel: _____
 Retained Federal Defender CJA

Defendant (#): _____
 Present Not Present In Custody On Bond Under Supervision

Counsel: _____
 Retained Federal Defender CJA

Government: John Burke, Charles Dunn, Rachel Baron

Court Reporter: Lisa Schmid, Paul Lombardi, Frederick Guerino

Pretrial/Probation: _____

FTR Time: _____

Interpreter: _____ Language: _____

Courtroom Deputy: Eric L. Russo

See Additional Appearances page.

II. PROCEEDINGS HELD:

- Bond Hearing
- Detention Hearing
- Jury Selection (*Voir Dire*)
- Jury Trial
- Jury Deliberations
- Motion Hearing

III. PROCEEDINGS SUMMARY:

- The following proceeding(s) were held regarding _____.
- Jury Selection (*Voir Dire*) held/continued.
 - The Court ordered the jury panel to be anonymous.
 - The prospective jurors were sworn and given preliminary instructions by the Court.
 - The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
 - The questioning of the prospective jurors was in the form of written questionnaires completed by the prospective jurors.
 - A conference was held with the Court and the parties to review the questionnaires completed by the prospective jurors.
 - _____ moved for a Batson Challenge as to Juror Number _____.
 - The parties presented their oral arguments to the Court.
 - The motion was granted and the juror was excused; denied and the juror remains unchallenged.
- A jury of _____, with _____ alternates, were selected and are satisfactory to all parties.
 - The Court ordered the jury to be sequestered; semi-sequestered.
- The selected jurors were sworn as trial jurors.
- See Section V of this minute entry (*page 4*) for additional details and/or rulings.

Jury Trial held/continued.

The selected jurors were sworn as trial jurors.

The jurors were given preliminary instructions by the Court.

The Government's opening statement were heard.

The Defendant's(s') opening statement(s) were heard.

Witnesses were called for the Government.

Witnesses were called for the defense.

Exhibits were entered into evidence.

The Government rests.

The defense rests.

The Charge Conference was held between the Court and the parties (absent the presence of the jury).

The Government's summations were heard.

The Defendant's(s') summations were heard.

The Government's rebuttal summations were heard.

The Court charged the jury.

See Section V of this minute entry (*page 4*) for additional details and/or rulings.

Jury Deliberations held/continued.

A U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.

Jury Notes were received and marked as Court Exhibits.

The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (*Allen Charge*).

The jury rendered the following verdict:

_____ on count(s)/charges(s): _____ as to Defendant _____.

The jurors were polled as to their verdict.

The Verdict Sheet was received and marked as a Court Exhibit.

The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.

Jury Notes were received and marked as Court Exhibits.

The jury rendered their verdict regarding the forfeiture allegation count(s).

The jurors were polled as to their verdict.

The Special Verdict Sheet was received and marked as a Court Exhibit.

The jurors, including alternates, were excused with the thanks of the Court.

The Conviction Notification Form was executed and sent to the U.S. Probation Department.

See Section V of this minute entry (*page 4*) for additional details and/or rulings.

Motion Hearing held.

_____ moved for:

- Mistrial/New Trial pursuant to Rule 33 of the F.R.Cr.P.
- Judgment of Acquittal pursuant to Rule 29 of the F.R.Cr.P.
- _____.
- The parties presented their oral arguments to the Court.
- The Court made the following ruling(s): Motion granted; Motion denied; Motion granted, in part, and denied, in part.

The following briefing schedule was set:

- _____ due by: _____.

- The parties were directed to file a proposed briefing schedule for this Court's approval on or before _____.
- The parties are to ensure courtesy copies of their submissions (outlined above) are promptly provided to Chambers.
(Note: Attaching the documents to an e-mail does not satisfy this directive.)
- The Court's decision was entered on the record; will be entered under a separate order; was reserved.
- See Section V of this minute entry (*page 4*) for additional details and/or rulings.

IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

Bond Hearing/Detention Hearing held.

- The bond application/modification was granted as to Defendant _____.
 - An Order Setting Conditions of Release and Bond was executed as to Defendant _____.
 - The conditions of release were modified as stated on the record as to Defendant _____.
 - An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- The bond application/modification was denied as to Defendant _____.
- The Government moved for immediate detention of Defendant _____.
 - The motion was granted; denied; granted, in part, and denied, in part.
 - An Order of Detention was executed as to Defendant _____.
 - An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- The decision regarding the bond or detention application was reserved.
 - An Order Scheduling a Detention Hearing was executed as to Defendant _____.
 - A temporary Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- See Section V of this minute entry (*page 4*) for additional details and/or rulings.

For a defendant currently IN-CUSTODY:

Defendant _____ remain(s) in custody.

- The following order(s) was/were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:
 - A Medical Evaluation Order as to Defendant _____.
 - A Competency Order as to Defendant _____.
 - A Force Order as to Defendant _____.
- Defendant _____, being found not guilty, shall be released, forthwith.
 - A Time Served Order was executed and submitted to the U.S. Marshals Service.

For a defendant currently AT LIBERTY:

Defendant _____ remain(s) on bond.

- Defendant _____ remain(s) at liberty, under the supervision of the U.S. Probation Department (*for a VOP or VOSR case*).

V. OTHER RULINGS MADE DURING THE PROCEEDINGS:

- For the reasons stated on the record, Juror # 12 was excused with the thanks of the Court. Alternate Juror # 1 has taken the place of Juror # 12.

VI. FURTHER PROCEEDINGS SET:

- Jury Selection: _____ at _____ before Judge _____ (_____), as to Defendant _____.
 Jury Trial: **6/6/2023** at **9:30 AM** before Judge **Joanna Seybert (In Courtroom 1030.)**, as to Defendant **1**.
 Motion Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
 Status Conference: _____ at _____ before Judge _____ (_____), as to Defendant _____.
 Bond Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
 Detention Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
 Sentencing: _____ at _____ before Judge _____ (_____), as to Defendant _____.

Parties are directed to file their sentencing memorandums by _____. Once the memorandums are filed, the parties are to ensure courtesy copies of their submissions are promptly provided to Chambers. (**Note:** Attaching the documents to an e-mail does not satisfy this directive.) If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed on said due date, in lieu of the memorandum.

- Further instructions regarding the proceedings set:

The Court ordered the proceeding(s) to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185.**

- No further proceedings have been set at this time. (**Note:** Further proceedings may have been set previously. Refer to the docket sheet.)